

**STATE OF MINNESOTA
ENVIRONMENTAL QUALITY BOARD**

**In the Matter of the Application to
Exempt Hutchinson Utilities
Commission McLeod Substation
Project from the Siting
Requirements of Minnesota Statutes
§116C.51 to 116C.69**

**Findings of Fact,
Conclusions
and Order
MEQB Docket No.
01-11-EXEM-HUC
February 15, 2001**

This matter came before the Minnesota Environmental Quality Board at a regular meeting held on February 15, 2001.

Statement of Issue

The City of Hutchinson, Hutchinson Utilities Commission (HUC), has proposed to construct a 230/115 kV substation and two 350 foot segments of 230 kV transmission line connecting the proposed substation with the existing 230 kV Black Dog Panther transmission line in McLeod County. A 5.2 mile 115 kV transmission line will run between the proposed substation and the city of Hutchinson, but is not part of the project under the exemption application. HUC will own and maintain the facilities, the substation will be operated by Great River Energy.

The MEQB is the responsible governmental unit for review of electric transmission facilities capable of operating at 200 kV or more.

The proposed McLeod County Substation and two 230 kV transmission line segments are subject to review by the MEQB under the Power Plant Siting Act. The PPSA allows the applicant to apply for an exemption from the full routing requirements of the PPSA.

FINDINGS OF FACT

Project Description

1. The City of Hutchinson, Minnesota by its Hutchinson Utilities Commission (hereinafter HUC) proposes to construct a 230/115 kV substation.
2. Two 350 foot segments of 230 kV transmission line will connect the proposed substation to the existing 230 kV Black Dog – Panther substation.
3. There will be no new structures between the existing 230-kV transmission line and the proposed substation.
4. A 5.2 mile 115 kV transmission line will be constructed, running generally north, between the proposed substation and the city of Hutchinson
5. The proposed facilities will be owned and maintained by HUC. The proposed facilities will be operated by Great River Energy.
6. The proposed substation site is a plot of approximately 2.8 acres on 13.5 acre parcel, located southeast of Hutchinson, Minnesota at Section 32, Range 29W, Township 116N in McLeod County. The substation site will be fenced.
7. The proposed substation will include a large power transformer, two SF6 gas 230-kV circuit breakers, one SF6 gas 115-kV circuit breaker, isolation switches, metering equipment, surge arresters, steel structures, high voltage buses and a control building. The power transformer is required for converting electric power from 230-kV to 115-kV. Power circuit breakers are required for switching and protection of the equipment and transmission lines.
8. A new gravel road, approximately 20 feet wide and 600 feet long, will be constructed to provide access to the site from McLeod County Road 25.
9. The proposed site is currently used as farmland. Construction of the substation would take 2.8 acres out of agricultural production, the remaining 10.7 acres of the parcel can be farmed.

Procedural

10. The applicant filed an application for exemption with the MEQB on October 4, 2000.
11. The comment period began with the publication of notice in the *Hutchinson Leader*, a newspaper of general record in McLeod county, on October 12 and 17, 2000. The deadline for public comments was set for December 11, 60 days after the public notice first appeared in accordance with Minn. Stat. § 116C.67, subd. 5.
12. HUC mailed copies of the exemption application along with letters explaining the exemption process and objection process to landowners and local governments affected by the proposed substation and transmission line between October 10 and October 13, 2000.
13. The exemption application was distributed to the MEQB distribution list on October 16, 2000.
14. At the request of Minnesota Department of Natural Resources staff, MEQB staff reviewed the exemption standards in MN Statute and Rules. As a result of this review, MEQB staff determined that the 5.2 mile 115 kV transmission line running between the proposed substation and the city of Hutchinson is not subject to review by the MEQB as part of this exemption proceeding.

15. The proposed 5.2 mile 115 kV transmission line does not meet the threshold requirements for mandatory environmental review in MN Rules 4410.4300, subp. 6 and Minn. Stat. 116C.51 –67.
16. A revised public notice, clarifying the portion of the applicant's project subject to the exemption application was published in the *Hutchinson Leader* on November 14, 2000.
17. A memorandum from MEQB staff notifying landowners and local governments that do not qualify for objector status were sent on November 14, 2000. The memorandum informed recipients that they may petition the Board for an Environmental Assessment Worksheet on the 115 kV transmission line. Petition procedures are outlined in MN Rules 4410.1100.

Objections and Comments

18. The objection and comment period began on October 12 and concluded December 11, 2000.
19. The MEQB received six comment letters concerning the proposed project by the close of the comment period on December 11, 2000.
20. The MEQB received a letter from the Department of Agriculture dated October 18, 2000 requesting that more information on the impact of severed, isolated farmland resulting from the proposed substation be provided and that mitigation efforts should be addressed. The applicant responded in a letter dated November 3, that in their negotiations with the landowner the applicant considered the impact of severed, isolated farmland and as a result purchased a parcel that limited the potential for severed and isolated farmland.
21. On November 7, 2000 the MEQB received a comment letter stating no opposition to the project.
22. On November 10, the MEQB received a letter purporting to be an objection to the project. However, upon review, the MEQB staff determined that the person who filed this document does not own property crossed by or adjacent to property crossed by the proposed route of 230 kV line project at issue in this proceeding. Under Minn. Stat. §116C.57, subd. 5, only persons who own property crossed by or adjacent to property crossed by the proposed route, or affected political subdivision, may file objections. As a result, the MEQB will treat this submittal as a comment on the proposed project.
23. The MEQB received a letter of comment from the Minnesota Pollution Control Agency dated December 1, 2000. The letter stated that the MPCA Environmental Review staff believe that significant effects related to MPCA issues have been addressed in the application. MPCA staff concurred that the proposed project will be below the limits in the Minnesota Noise Rules. The project as described will disturb 2.8 acres, which is less than the five acre threshold for a stormwater permit.
24. On December 7, 2000 the MEQB received a letter purporting to be an objection to the project. However, upon review, the MEQB staff determined that the person who filed this document does not own property crossed by or adjacent to property crossed by the proposed route of 230 kV line project at issue here. Under Minn. Stat. §116C.57, subd. 5, only persons who own property crossed by or adjacent to property crossed by

the proposed route, or affected political subdivision, may file objections. As a result, the MEQB will treat this submittal as a comment on the proposed project.

25. On December 8, 2000 MEQB staff received a letter from the Minnesota Department of Natural Resources (DNR) stating that staff recommended exemption approval.

Exemption Standard

26. The Power Plant Siting Act (PPSA), Minn. Stat. §116C.57, subd. 5 permits a utility to apply to the Board to exempt the construction of any proposed high voltage transmission line.
27. Under PPSA Statute, if the Board receives an objection from any person who owns real property crossed by the proposed route, any person owning property adjacent to property crossed by the proposed route or any affected political subdivision within 60 days of the filing of the exemption application, the Board must either deny the application or order a hearing.
28. Under the PPSA if the Board determines that the proposed high voltage transmission line will not create significant human or environmental impact, it may exempt the proposed transmission line with any appropriate conditions.
29. If the Board grants the exemption request, the utility must comply with any applicable state and local zoning, building and land use rules, regulations and ordinances.

CONCLUSIONS

30. The MEQB has jurisdiction in granting an exemption from the requirements of the Power Plant Siting Act, Minn. Stat. § 116C.51-69.
31. The Hutchinson Utilities Commission's application for exemption contains the information required by rule.
32. The record includes adequate information to determine whether the proposed substation project will cause significant human or environmental effects.
33. Based upon the comments received, information contained in the application and the record, the proposed Hutchinson Utilities Commission's substation will not cause a significant human or environmental impact.
34. Any findings that might properly be termed conclusions and any conclusions that might properly be termed findings are hereby adopted as such.

ORDER

Based on the Findings of Fact and Conclusions contained herein and on the entire record:

The Minnesota Environmental Quality Board hereby exempts the Hutchinson Utilities Commission's proposed McLeod County Substation Project from the requirements of the Power Plant Siting Act and Rules.

Approved and adopted this February 15, 2001.

State of Minnesota
Environmental Quality Board

Gene Hugoson, Chair

U:\McLeod\Findings\Findings draft 2.doc